

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Isaac Garcia-Duran,
a.k.a.: Isak Garcia-Duran,
(A205 243 765)Defendant)

Case No. 17-7278MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 3, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Isaac Garcia-Duran, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Nogales, Arizona, on or about February 15, 2017, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Ryan Powell

☒ Continued on the attached sheet.

Complainant's signature

Marcus D. Leggett,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: May 15, 2017



Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On May 3, 2017, Isaac Garcia-Duran was booked into the Maricopa County Jail (MCJ) by the Phoenix Police Department on local charges. While in custody at the MCJ, Garcia-Duran was encountered by ICE Officer R. Ray who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On May 12, 2017, Garcia-Duran was released from the MCJ Lower Buckeye Facility and transported to the Phoenix ICE office for further investigation and processing. Garcia-Duran was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Isaac Garcia-Duran to be a citizen of Mexico and a previously deported alien. Garcia-Duran was removed from the United States to Mexico through Nogales, Arizona, on or about February 15, 2017, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Garcia-Duran in any Department of Homeland Security database to suggest

that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Garcia-Duran's immigration history was matched to him by electronic fingerprint comparison.

4. On May 13, 2017, Isaac Garcia-Duran was advised of his constitutional rights. Garcia-Duran freely and willingly acknowledged his rights and declined to provide a statement under oath.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about May 3, 2017, Isaac Garcia-Duran, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about February 15, 2017, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Marcus D. Leggett,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 15th day of May, 2017.



Bridget S. Bade,
United States Magistrate Judge